



General Assembly

***Amendment***

January Session, 2009

LCO No. 6599

**\*HB0651606599HDO\***

Offered by:

REP. SHAPIRO, 144<sup>th</sup> Dist.  
SEN. COLAPIETRO, 31<sup>st</sup> Dist.  
REP. MCCLUSKEY, 20<sup>th</sup> Dist.  
REP. ALTOBELLO, 82<sup>nd</sup> Dist.

REP. BUTLER, 72<sup>nd</sup> Dist.  
REP. HEINRICH, 101<sup>st</sup> Dist.  
REP. LEONE, 148<sup>th</sup> Dist.

To: Subst. House Bill No. 6516

File No. 229

Cal. No. 197

***"AN ACT ESTABLISHING MINIMUM RETAIL REFUND AND EXCHANGE POLICIES."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 42-110aa of the general statutes is repealed and  
4 the following is substituted in lieu thereof (*Effective January 1, 2010*):

5 (a) As used in this section:

6 (1) "Holiday-themed items" means clothing, costumes and  
7 component parts of costumes, home goods and accessories that depict  
8 holidays or their subjects, motifs or participants;

9 (2) "Personal products" means cosmetics, toiletries, hair care  
10 products, undergarments, hosiery, sleep wear, bathing suits, wigs,  
11 infant and adult diapers and wipes, ointments and lotions intended for

12 use therewith, mattresses and footwear;

13 (3) "Physical retail location" means a physical place of business  
14 located within the state that is open to the general public for the sale of  
15 goods or services;

16 (4) "Products bundled with services" means hardware products that  
17 are sold inseparably from a service to be utilized with such hardware  
18 products, including cellular telephones when sold in conjunction with  
19 calling, electronic mail or Internet service; and

20 (5) "Special event items" means prom dresses, tuxedos, graduation  
21 gowns, caps and related accessories, wedding gowns, bridesmaid  
22 dresses and wedding-related clothing accessories, or items sold in  
23 connection with a specific national event occurring only once during  
24 the calendar year.

25 [(a)] (b) No person engaged in trade or commerce who maintains a  
26 physical retail location in this state, upon the return of goods  
27 purchased from such person's [place of business] physical retail  
28 location, shall refuse to accept the returned goods [immediately] with a  
29 valid receipt and shall promptly issue the individual returning such  
30 goods either a cash or credit refund of the purchase price or credit  
31 towards the purchase of another item offered for sale at such person's  
32 [place of business] physical retail location, provided such return is  
33 made [within the period of time established by such person for the  
34 acceptance of returned goods and provided further, such goods are  
35 returned in a manner consistent with such person's conspicuously  
36 posted refund or exchange policy. Any such person that utilizes an  
37 electronic system to record, monitor and limit the number or total  
38 dollar value of returns made by a consumer shall clearly indicate the  
39 use of such system within such person's conspicuously posted refund  
40 or exchange policy.] not later than thirty days after the date the  
41 purchaser received such goods. The amount of any refund or credit  
42 issued pursuant to this subsection may be reduced by the value of any  
43 rebate issued in connection with such returned goods prior to such

44 goods being returned.

45 (c) A person engaged in trade or commerce in this state, regardless  
46 of whether such person maintains a physical retail location in this  
47 state, shall conspicuously post such person's refund or exchange  
48 policies at such person's physical retail location, Internet web site or  
49 other point of sale. Any such person who utilizes an electronic system  
50 to record, monitor and limit the number or total dollar value of returns  
51 made by a consumer shall clearly indicate the use of such system  
52 within such person's conspicuously posted refund or exchange policy.

53 [(b) Any] (d) Subject to the provisions of subsections (b) and (c) of  
54 this section, any person that utilizes an electronic system to record,  
55 monitor and limit the number or total dollar value of returns made by  
56 a consumer shall, prior to terminating the right of any such consumer  
57 to return goods at such person's place of business pursuant to any such  
58 limitation, provide written notice to such consumer that indicates such  
59 termination. Such termination notice shall not affect such consumer's  
60 right to return any goods purchased by such consumer or purchased  
61 for the benefit of such consumer prior to the date of such notice, if such  
62 consumer has a valid receipt evidencing a purchase date for such  
63 goods that is prior to the date such consumer receives such notice. Any  
64 such notice that is mailed to the last known address of such consumer  
65 or to the address of such consumer that is obtained through reasonably  
66 available public records shall be deemed to comply with the  
67 notification requirements of this subsection.

68 [(c) This section shall not be construed to prohibit any person  
69 engaged in trade or commerce in this state from extending the period  
70 of time during which such person will accept the return of goods  
71 purchased from such person's place of business.]

72 [(d)] (e) This section does not apply to: (1) Goods damaged by a  
73 consumer and not fit for resale, (2) books, magazines and other  
74 periodicals, (3) custom made, special order, monogrammed or  
75 engraved items, (4) opened or used software, compact discs, digital

76 video discs or computer or video games, (5) holiday-themed items, (6)  
 77 perishable goods, including readily perishable foods and beverages,  
 78 [or] goods clearly marked as nonreturnable pursuant to [such person's  
 79 conspicuously posted refund or exchange policy] a periodic final sale,  
 80 (7) open, used or worn personal products or other products used in a  
 81 manner that would prevent resale of such products due to hygienic  
 82 concerns, (8) products bundled with services, and (9) special event  
 83 items.

84 (f) This section shall not be construed to prohibit any person from  
 85 returning goods pursuant to subsection (b) of this section if such goods  
 86 were defective or damaged at the time such goods were purchased or  
 87 received by the purchaser.

88 (g) This section shall not be construed to prohibit any person  
 89 engaged in trade or commerce in the state from extending the period  
 90 of time during or manner in which such person will accept the return  
 91 of goods purchased from such person's place of business.

92 [(e)] (h) Any violation of the provisions of subsection [(a)] (b) or (c)  
 93 of this section shall constitute an unfair trade practice for purposes of  
 94 section 42-110b."

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2010	42-110aa